Missouri Attorney General's Opinions - 2008

Opinion	Date	Topic	Summary
70-2008	Feb 7	STATE LEGAL EXPENSE FUND.	The liability or malpractice insurance obtained and maintained by a health care professional licensed or registered under Chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, who provides primary or preventive health care services within the scope of his or her license or registration at a qualified 501(c)(3) nonprofit community health center without compensation is considered unavailable to pay a claim or judgment up to \$500,000 arising under Section 105.711.2(3)(d) so long as the health care professional cooperates with defending the claim. Any claim or judgment in excess of that amount would not be covered by the state legal expense fund.
80-2008	Jan 14	ACCESSORS. PERSONAL PROPERTY ASSESSMENT. PUBLIC WAREHOUSES. STORAGE COMPANIES.	A self-service storage facility as defined in Section 415.405(11) is not a "marina or comparable facility" under the definition of Section 137.092.1(2) and thus is not subject to the reporting requirement of Section 137.092.2.
86-2008	Jan 25	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend the Revised Statutes of Missouri by enacting The Quality Home Care Act.
92-2008	Jan 25	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend the Revised Statutes of Missouri by enacting the Prevention of Coerced and Unsafe Abortions Act.
94-2008	Feb 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 1).
95-2008	Feb 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 2).
96-2008	Feb 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 3).
97-2008	Feb 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable

			Energy Standard (version 4).
<u>98-2008</u>	Feb 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 5).
99-2008	Feb 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Missouri Tax Fairness Initiative (version 2).
100-2008	Feb 1	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to The Schools First Elementary and Secondary Education Funding Initiative (version 2).
102-2008	Feb 8	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Protect Missouri Employee Paychecks from Politics Act (version 3).
103-2008	Feb 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition to amend the Revised Statutes of Missouri by adding a new act to be known as the Quality Home Care Act.
104-2008	Feb 15	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to The Cover all Kids Act.
105-2008	Feb 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo 2000, regarding an initiative petition to amend the Revised Statutes of Missouri by adding a new act to be known as the Prevention of Coerced and Unsafe Abortions Act.
106-2008	Feb 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo 2000, regarding an initiative petition to amend the Revised Statutes of Missouri by adding a new act to be known as the Quality Home Care Act.
107-2008	Feb 15	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition to amend the Revised Statutes of Missouri by adding a new act to be known as the Prevention of Coerced and Unsafe Abortions Act.
108-2008	Feb 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 1) to amend Chapter 393 of the Revised Statutes of Missouri by creating a renewable energy standard.
109-2008	Feb 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 2)

			to amend Chapter 393 of the Revised Statutes of Missouri by creating a renewable energy standard.
110-2008	Feb 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 3) to amend Chapter 393 of the Revised Statutes of Missouri by creating a renewable energy standard.
111-2008	Feb 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 4) to amend Chapter 393 of the Revised Statutes of Missouri by creating a renewable energy standard.
112-2008	Feb 21	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 5) to amend Chapter 393 of the Revised Statutes of Missouri by creating a renewable energy standard.
113-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 1) to amend Chapter 393 (Renewable Energy Standard), RSMo.
114-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) to amend Chapter 393 (Renewable Energy Standard), RSMo.
115-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3) to amend Chapter 393 (Renewable Energy Standard), RSMo.
116-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 4) to amend Chapter 393 (Renewable Energy Standard), RSMo.
117-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 5) to amend Chapter 393 (Renewable Energy Standard), RSMo.
118-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) to amend Article X of the Missouri Constitution.
119-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) to amend various chapters of the Revised Statutes of Missouri.
120-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 2) to amend various chapters of the Revised Statutes of Missouri.

121-2008	Feb 22	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 2) to amend various chapters of the Revised Statutes of Missouri.
122-2008	Feb 25	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Theodis Brown.
123-2008	Feb 29	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo, regarding an initiative petition (version 3) to amend Chapter 285 of the Revised Statutes of Missouri.
124-2008	Feb 29	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 3) to amend Chapter 285 of the Revised Statutes of Missouri.
126-2008	Mar 4	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition to amend Chapters 143 and 208 of the Revised Statutes of Missouri by creating "The Cover all Kids Act."
129-2008	Mar 4	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition to amend Chapters 143 and 208 of the Revised Statutes of Missouri by creating "The Cover all Kids Act."
130-2008	Mar 10	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 2) submitted by Theodis Brown.
131-2008	Mar 14	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 1).
132-2008	Mar 14	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 2).
133-2008	Mar 14	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 3).
134-2008	Mar 10	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition to amend Article V, Sections 25(a), 25(d), and 25(e), of the Missouri Constitution.
136-2008	Mar 21	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 4).
137-2008	Mar 21	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section

			38 of the Missouri Constitution submitted by Todd Jones (version 5).
138-2008	Mar 21	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 6).
140-2008	Mar 28	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 7) to amend Article III, Section 38(e), of the Missouri Constitution.
141-2008	Mar 28	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 8) to amend Article III, Sections 38(d) and 38(e), of the Missouri Constitution.
142-2008	Mar 28	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 9) to amend Article III, Sections 38(d) and 38(e), of the Missouri Constitution.
143-2008	Mar 28	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 10).
144-2008	Mar 28	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 11).
145-2008	Mar 28	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed constitutional amendment to Article III, Section 38 of the Missouri Constitution submitted by Todd Jones (version 12).
146-2008	Mar 28	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition to amend Article V, Section 25 of the Missouri Constitution.
147-2008	Apr 7	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition to amend Article V, Section 25 of the Missouri Constitution.
150-2008	Apr 18	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 7) to amend Article III, Section 38 of the Missouri Constitution.
151-2008	Apr 18	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition (version 8) to amend Article III, Section 38 of the Missouri Constitution.
152-2008	Apr 18	INITIATIVE PETITION.	Review and approval of a fiscal note summary prepared pursuant to

		INITIATIVES.	Section 116.175, RSMo 2000, regarding an initiative petition (version 9) to amend Article III, Section 38 of the Missouri Constitution.
153-2008	Apr 18	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 7) to amend Article III, Section 38 of the Missouri Constitution.
154-2008	Apr 18	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 8) to amend Article III, Section 38 of the Missouri Constitution.
155-2008	Apr 18	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 9) to amend Article III, Section 38 of the Missouri Constitution.
160-2008	May 30	FAIR BALLOT LANGUAGE.	Review and approval of the proposed fair ballot language statement prepared pursuant to Section 116.025, RSMo, for the initiative petition relating to casinos and gambling.
161-2008	May 30	FAIR BALLOT LANGUAGE.	Review and approval of the proposed fair ballot language statement prepared pursuant to Section 116.025, RSMo, for the initiative petition to amend Article VI, Section 21 of the Missouri Constitution relating to eminent domain.
162-2008	May 30	FAIR BALLOT LANGUAGE.	Review and approval of the proposed fair ballot language statement prepared pursuant to Section 116.025, RSMo, for the initiative petition relating to renewable energy.
163-2008	May 30	FAIR BALLOT LANGUAGE.	Review and approval of the proposed fair ballot language statement prepared pursuant to Section 116.025, RSMo, for the initiative petition to amend Article I, Sections 26 and 28 of the Missouri Constitution relating to eminent domain.
164-2008	May 30	FAIR BALLOT LANGUAGE.	Review and approval of the proposed fair ballot language statement prepared pursuant to Section 116.025, RSMo, for the initiative petition relating to home care.
165-2008	June 24	JOINT RESOLUTIONS.	Review and approval of the legal content and form of a summary statement prepared pursuant to Section 116.160, RSMo, for Senate Joint Resolution No. 45 relating to storm water control assistance.
166-2008	June 24	FAIR BALLOT LANGUAGE. JOINT RESOLUTIONS.	Review and approval of the legal content and form of the fair ballot language prepared pursuant to Section 116.025, RSMo, for Senate Joint Resolution No. 45 relating to storm water control assistance.
168-2008	July 9	JOINT RESOLUTIONS.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for Senate Joint Resolution 45 submitting to the voters a constitutional amendment relating to storm water control assistance.

178-2008	Nov 14	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed amendment to Article I of the Missouri Constitution submitted by Ron Calzone.
179-2008	Nov 14	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition for a proposed amendment to Article VI of the Missouri Constitution submitted by Ron Calzone.
180-2008	Nov 14	INITIATIVE PETITION. INITIATIVES.	Review and approval pursuant to Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Tim Asher and the Missouri Civil Rights Initiative to amend Article I, Section 34 of the Missouri Constitution.
183-2008	Dec 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition to amend Article I, Section 34 of the Missouri Constitution.
184-2008	Dec 5	INITIATIVE PETITION. INITIATIVES.	Review and approval of a fiscal note summary prepared pursuant to Section 116.175, RSMo 2000, regarding an initiative petition to amend Article I, Section 34 of the Missouri Constitution.
185-2008	Dec 11	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 1) submitted by Ron Calzone for a proposed amendment to Article I of the Missouri Constitution relating to eminent domain.
186-2008	Dec 11	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 2) submitted by Ron Calzone for a proposed amendment to Article I of the Missouri Constitution relating to eminent domain.
187-2008	Dec 11	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 1) submitted by Ron Calzone for a proposed amendment to Article VI of the Missouri Constitution relating to public nuisances as defined by the common law.
188-2008	Dec 11	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Ron Calzone for a proposed amendment to Article VI of the Missouri Constitution relating to public nuisances as defined by the common law.
189-2008	Dec 12	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition submitted by Ed Martin for a proposed amendment to Article IV, Section 17 of the Missouri Constitution relating to term limits.
192-2008	Dec 19	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition submitted by Todd Jones for a proposed amendment to Article III of the Missouri Constitution relating stem cell research.

193-2008	Dec 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3a) submitted by Ron Calzone for a proposed amendment to Article I, Sections 26, 27, and 28 of the Missouri Constitution relating to eminent domain.
194-2008	Dec 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3b) submitted by Ron Calzone for a proposed amendment to Article I, Sections 26, 27, and 28 of the Missouri Constitution relating to eminent domain.
195-2008	Dec 24	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 3c) submitted by Ron Calzone for a proposed amendment to Article I, Sections 26, 27, and 28 of the Missouri Constitution relating to eminent domain.
196-2008	Dec 24	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 3d) submitted by Ron Calzone for a proposed amendment to Article I, Sections 26, 27, and 28 of the Missouri Constitution relating to eminent domain.
197-2008	Dec 24	INITIATIVE PETITION. INITIATIVES.	Review and rejection of the sufficiency as to form of an initiative petition (version 3e) submitted by Ron Calzone for a proposed amendment to Article I, Sections 26, 27, and 28 of the Missouri Constitution relating to eminent domain.
198-2008	Dec 29	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition proposing an amendment to Article VI, Section 21 of the Missouri Constitution relating to the protection of property owners from public nuisances.
199-2008	Dec 31	INITIATIVE PETITION. INITIATIVES.	Review and approval of the legal content and form of a fiscal note summary prepared pursuant to Section 116.175, RSMo, for an initiative petition proposing an amendment to Article IV, Section 17 of the Missouri Constitution relating to term limits.
200-2008	Dec 31	INITIATIVE PETITION. INITIATIVES.	Review and approval of the sufficiency as to form of an initiative petition (version 2) submitted by Todd Jones for a proposed amendment to Article III of the Missouri Constitution.
201-2008	Dec 31	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition (version 2) to amend Article VI, Section 21 of the Missouri Constitution relating to eminent domain.
202-2008	Dec 31	INITIATIVE PETITION. INITIATIVES.	Review and approval of a summary statement prepared pursuant to Section 116.334, RSMo, regarding an initiative petition to amend Article IV, Section 17 of the Missouri Constitution relating to term limits.

STATE LEGAL EXPENSE FUND:

The liability or malpractice insurance obtained and maintained by a health care professional licensed or

registered under Chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, who provides primary or preventive health care services within the scope of his or her license or registration at a qualified 501(c)(3) nonprofit community health center without compensation is considered unavailable to pay a claim or judgment up to \$500,000 arising under Section 105.711.2(3)(d) so long as the health care professional cooperates with defending the claim. Any claim or judgment in excess of that amount would not be covered by the state legal expense fund.

OPINION NO. 70-2008

February 7, 2008

Honorable Wayne Cooper State Representative, 155th District Room 234, State Capitol Jefferson City, Missouri 65101

Dear Representative Cooper:

You have submitted a request to this office for an opinion in response to the following question:

Could you clarify who has primary coverage responsibility in an action involving a volunteer healthcare professional working pro bono in a "free clinic" qualified as an exempt entity in SB577 specifically commenting on the impact of the new language contained in SB 577...

"Liability or malpractice insurance obtained and maintained in force by or on behalf of any health care professional licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 RSMo, shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is liable under this paragraph;"

The crucial understanding needed is to be able to assure a volunteer health care professional that his/her employer or

his/her personal liability carrier would not be held responsible for any claim while providing free care in a 501(c)(3) entity.

We assume that you are inquiring about the effect of amendments made to Section 105.711.2(3)(d), which provides legal expense fund coverage for certain health care providers who provide services at nonprofit community health centers. The coverage is predicated on a number of conditions:

- 1. The provider must be a physician, nurse, physician assistant, dental hygienist, dentist, or other health care professional licensed or registered under Chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo.
- 2. The provider must provide health care services within the scope of his or her license or registration.
 - 3. The services must be provided at:
 - a. a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo;
 - b. a city health department operating under a city charter;
 - c. a combined city-county health department; or
 - d. a nonprofit community health center qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- 4. The services must be restricted to primary care and preventive health services, and shall not include the performance of an abortion.
 - 5. The services must be provided without compensation.
- 6. In the event a claim is made, the health care provider must cooperate with the attorneys investigating or preparing any defense as prescribed by Section 105.716.2.

If these conditions are met, then liability or malpractice insurance obtained and maintained in force by or on behalf of any such health care professional shall not be considered available to pay that portion of a judgment or claim for which the state legal expense fund is available under this statute. However, the statute further provides that the

Honorable Wayne Cooper Page 3

aggregate of payments from the state legal expense fund shall be limited to a maximum of \$500,000 for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed \$500,000 for any one claimant. Thus, if a judgment or claim covered by the legal expense fund exceeded \$500,000, the legal expense fund would not cover such excess liability.

CONCLUSION

The liability or malpractice insurance obtained and maintained by a health care professional licensed or registered under Chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, who provides primary or preventive health care services within the scope of his or her license or registration at a qualified 501(c)(3) nonprofit community health center without compensation is considered unavailable to pay a claim or judgment up to \$500,000 arising under Section 105.711.2(3)(d) so long as the health care professional cooperates with defending the claim. Any claim or judgment in excess of that amount would not be covered by the state legal expense fund.

Sincerely.

JEREMIAH W. (JAY) NIXON

ASSESSORS:

PERSONAL PROPERTY ASSESSMENT:

PUBLIC WAREHOUSES: STORAGE COMPANIES:

A self-service storage facility as defined in Section 415.405(11) is not a "marina or comparable facility" under the definition of Section 137.092.1(2) and thus is not subject to the reporting requirement of Section 137.092.2.

OPINION NO. 80-2008

January 14, 2008

The Honorable Trent Skaggs State Representative, District 31 Room 203-B, State Capitol Building Jefferson City, MO 65101

Dear Representative Skaggs:

You have submitted the following question to this office for response:

Do the provisions of Conference Committee Substitute for House Committee Substitute for Senate Bill 30, passed during the first regular session of the 94th General Assembly, apply to self-storage facilities as defined in Section 415.405(11), RSMo?

In particular, your question relates to newly enacted Section 137.092.2, which requires that:

For all calendar years beginning on or after January 1, 2008, every owner of a rental or leasing facility shall, by January thirtieth of each year, furnish the assessor of the county...a list of the personal property located at the rental or leasing facility on January first of each year.

The basic principle of statutory construction was stated by the Supreme Court of Missouri in *Bachtel v. Miller County Nursing Home Dist.*, 110 S.W.3d 799, 801 (Mo. banc 2003):

¹Statutory references are to the 2007 Cumulative Supplement to the Revised Statutes of Missouri 2000, unless otherwise noted.

In construing statutes, a court ascertains the intent of the legislature from the language used and gives effect to that intent [citation omitted]. The provisions of a legislative act are not read in isolation but construed together, and if reasonably possible, the provisions will be harmonized with each other [citations omitted]. Insight into the legislature's object can be gained by identifying the problems sought to be remedied and the circumstances and conditions existing at the time of the enactment.

The clear intent of the new legislation is to assist county assessors in locating certain items of personal property by requiring certain rental or leasing facilities to provide the assessor with information about the location of such property, to aid in the assessment process. Both "personal property" and "rental or leasing facility" are narrowly defined. "Personal property" is defined in Section 137.092.1(1) as "any house trailer, manufactured home, boat, vessel, floating home, floating structure, airplane, or aircraft." "Rental or leasing facility" is defined in Section 137.092.1(2) as "any manufactured home park, manufactured home storage facility, marina or comparable facility providing dockage or storage space, or any hangar or similar aircraft storage facility." Your question relates to self-storage facilities, which could qualify as a "rental or leasing facility" subject to the provisions of this statute only if they are included in the phrase "marina or comparable facility providing dockage or storage space."

The term "marina" is not defined in the Revised Statutes. The American Heritage College Dictionary, Third Edition, defines a "marina" as "a boat basin that has docks, moorings, and other facilities for small boats." A fair reading of "comparable facility" would refer to some sort of facility specifically operated for the purpose of harboring or storing boats and watercraft. By analogy, the next clause in Section 137.092.1(2) refers to "any hangar or similar aircraft storage facility" [emphasis added]. "The provisions of a legislative act are not read in isolation but construed together, and if reasonably possible, the provisions will be harmonized with each other." Bachtel, supra at 801. From the fact that the legislature chose to define facilities comparable to "hangars" as those specifically dedicated to the storage of aircraft, we may infer that it also intended that the parallel clause referring to marinas was intended to apply to facilities specifically devoted to the storage of boats and watercraft—not self-storage facilities in general.

Other statutory provisions pertaining to self-storage facilities support this interpretation as well. Chapter 415, RSMo, dealing with warehouses and public storage facilities, defines self-storage facilities as a distinct subcategory of public warehouses.

The Honorable Trent Skaggs Page 3

Section 415.405(11) defines self-service storage facilities as "any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a self-service basis." Pursuant to Section 415.425, RSMo 2000, "the exclusive care, custody and control of all personal property stored in the leased self-service storage space remains vested in the occupant." Chapter 415 recognizes only two situations in which the operator of the facility may access the storage space:

The operator may "enter leased space at all times which are reasonably necessary to insure the protection and preservation of the self-service storage facility or any personal property stored therein," Section 415.410.2; and

The operator may take possession of and sell property found in the leased space in order to enforce its lien in the event of a default in payment by the lessee for more than 30 days, Section 415.415.2.

If Section 137.092 is deemed to apply to self-service storage facilities, their operators would need some way to ascertain whether the closed spaces under the control of their customers contained property subject to the personal property tax. Presumably they would have to enter into the leased space to inventory the contents for boats or other items which would fall within the definition of Section 137.092.1(1), in effect creating an additional ground for entry into the space and access to the property which Section 415.425 declares to be under the exclusive care, custody, and control of the customer. Such a legislative intent cannot be inferred from the language of Section 137.092.

CONCLUSION

A self-service storage facility as defined in Section 415.405(11) is not a "marina or comparable facility" under the definition of Section 137.092.1(2) and thus is not subject to the reporting requirement of Section 137.092.2.

Very truly yours,

JEREMIAH W/(JAY) NIXON



JEF: JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O.Box 899 (573) 751-3321

January 25, 2008

OPINION LETTER NO. 86-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 17, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to The Quality Home Care Act submitted by Alphonso Mayfield.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JEREMIAH W/JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

January 25, 2008

OPINION LETTER NO. 92-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 18, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Prevention of Coerced and Unsafe Abortions Act submitted by Paula Talley.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours

JEKEMIAH W JAY) NIXON



Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 1, 2008

OPINION LETTER NO. 94-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated January 22, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 1) submitted by Henry Robertson.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JEREMIAH W. (JAY) NIXON



Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 1, 2008

OPINION LETTER NO. 95-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated January 22, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 2) submitted by Henry Robertson.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JEKEMIAH W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 1, 2008

OPINION LETTER NO. 96-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated January 22, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 3) submitted by Henry Robertson.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JERÉMIAH W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 1, 2008

OPINION LETTER NO. 97-2008

Honorable Robin Carnahan Missouri Secretary of State James C: Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. GIAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated January 22, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 4) submitted by Henry Robertson.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JEKEMIAH W. (JAY) NIXON



Jefferson City 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

February 1, 2008

OPINION LETTER NO. 98-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 22, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Renewable Energy Standard (version 5) submitted by Henry Robertson.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours

JEREMIAH W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 1, 2008

OPINION LETTER NO. 99-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated January 25, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Missouri Tax Fairness Initiative (version 2) submitted by Robin Acree.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JERÆMIAH W.(JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 1, 2008

OPINION LETTER NO. 100-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated January 25, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to The Schools First Elementary and Secondary Education Funding Initiative (version 2) submitted by Troy Stremming.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours

JEREMIAH W (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 8, 2008

OPINION LETTER NO. 102-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated January 31, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to the Protect Missouri Employee Paychecks from Politics Acts (version 3) submitted by Steve Hunter.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (578) 751-3321

February 15, 2008

OPINION LETTER NO. 103-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 6, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Alphonso Mayfield regarding The Quality Home Care Act. The fiscal note summary that you submitted is as follows:

The exact cost of this proposal to state governmental entities is unknown, but is estimated to exceed \$510,560 annually. Additional costs for training are possible. Matching federal funds, if available, could reduce state costs. It is estimated there would be no costs or savings to local governmental entities.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours

JEREMIAH W/(JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O.Box 899 (573) 751-3321

February 15, 2008

OPINION LETTER NO. 104-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 7, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition relating to The Cover all Kids Act submitted by Jeff Ordower.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

YEREMIAH/W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 15, 2008

OPINION LETTER NO. 105-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 7, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Paula Talley on January 18, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- make it illegal for a doctor to provide a woman with an abortion at any time during her pregnancy without extensive and documented emotional, psychological, physical, situational, and demographic evaluations unless the doctor determines that the procedure is necessary to prevent imminent death or serious medical risk; and
- make it illegal for any person, other than a licensed physician or licensed pharmacist acting with a prescription, to assist a woman to terminate her own pregnancy and allow lawsuits with minimum damages of \$800,000, plus attorney's fees, regardless of any proof of injury?

Pursuant to Section 116.334, we approve the legal content and form of the proposed

statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 15, 2008

OPINION LETTER NO. 106-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 7, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Alphonso Mayfield on January 17, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to enable the elderly and Missourians with disabilities to continue living independently in their homes by creating the Missouri Quality Homecare Council to ensure the availability of quality home care services under the Medicaid program by recruiting, training, and stabilizing the home care workforce?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 15, 2008

OPINION LETTER NO. 107-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 7, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Paula Talley regarding the Prevention of Coerced and Unsafe Abortions Act. The fiscal note summary that you submitted is as follows:

It is estimated this proposal will have no costs or savings to state or local governmental entities.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 21, 2008

OPINION LETTER NO. 108-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor-Montee:

This office received your letter of February 11, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Henry Robertson regarding the Renewable Energy Standard (version 1). The fiscal note summary that you submitted is as follows:

The estimated direct cost to state governmental entities is \$395,183. It is estimated there are no direct costs or savings to local governmental entities. However, indirect costs may be incurred by state and local governmental entities if the proposal results in increased electricity retail rates.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

FEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 21, 2008

OPINION LETTER NO. 109-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 11, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Henry Robertson regarding the Renewable Energy Standard (version 2). The fiscal note summary that you submitted is as follows:

The estimated direct cost to state governmental entities is \$549,683. It is estimated there are no direct costs or savings to local governmental entities. However, indirect costs may be incurred by state and local governmental entities if the proposal results in increased electricity retail rates.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

February 21, 2008

OPINION LETTER NO. 110-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 11, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Henry Robertson regarding the Renewable Energy Standard (version 3). The fiscal note summary that you submitted is as follows:

The estimated direct cost to state governmental entities is \$446,683. It is estimated there are no direct costs or savings to local governmental entities. However, indirect costs may be incurred by state and local governmental entities if the proposal results in increased electricity retail rates.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

February 21, 2008

OPINION LETTER NO. 111-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 11, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Henry Robertson regarding the Renewable Energy Standard (version 4). The fiscal note summary that you submitted is as follows:

The estimated direct cost to state governmental entities is \$395,183. It is estimated there are no direct costs or savings to local governmental entities. However, indirect costs may be incurred by state and local governmental entities if the proposal results in increased electricity retail rates.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 21, 2008

OPINION LETTER NO. 112-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 11, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Henry Robertson regarding the Renewable Energy Standard (version 5). The fiscal note summary that you submitted is as follows:

The estimated direct cost to state governmental entities is \$549,683. It is estimated there are no direct costs or savings to local governmental entities. However, indirect costs may be incurred by state and local governmental entities if the proposal results in increased electricity retail rates.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 113-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 14, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Henry Robertson (version 1) on January 18, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to require investor-owned electric utilities to generate or purchase electricity from renewable energy sources such as solar, wind, biomass and hydropower with the renewable energy sources equaling at least 4% of retail sales by 2012 increasing incrementally to at least 11% by 2020; and restricting to no more than 1% any rate increase to consumers for this renewable energy?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

REMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 114-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 14, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Henry Robertson (version 2) on January 18, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to require investor-owned electric utilities, cooperative utilities, and certain municipal utilities to generate or purchase electricity from renewable energy sources such as solar, wind, biomass and hydropower with the renewable energy sources equaling at least 2% of retail sales by 2011 increasing incrementally to at least 20% by 2021, including at least 2% from solar energy; and restricting to no more than 1% any rate increase to consumers for this renewable energy?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 February 22, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 115-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 14, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Henry Robertson (version 3) on January 18, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to require investor-owned electric utilities, cooperative utilities, and certain municipal utilities to generate or purchase electricity from renewable energy sources such as solar, wind, biomass and hydropower with the renewable energy sources equaling at least 2% of retail sales by 2011 increasing incrementally to at least 15% by 2021, including at least 2% from solar energy; and restricting to no more than 1% any rate increase to consumers for this renewable energy?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 February 22, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 116-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 14, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Henry Robertson (version 4) on January 22, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to require investor-owned electric utilities to generate or purchase electricity from renewable energy sources such as solar, wind, biomass and hydropower with the renewable energy sources equaling at least 2% of retail sales by 2011 increasing incrementally to at least 15% by 2021, including at least 2% from solar energy; and restricting to no more than 1% any rate increase to consumers for this renewable energy?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 February 22, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 117-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 14, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Henry Robertson (version 5) on January 22, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to require investor-owned electric utilities, cooperative utilities, and certain municipal utilities to generate or purchase electricity from renewable energy sources such as solar, wind, biomass and hydropower with the renewable energy sources equaling at least 2% of retail sales by 2011 increasing incrementally to at least 15% by 2021, including at least 2% from solar energy; and restricting to no more than 1% any rate increase to consumers for this renewable energy?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 February 22, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

JEREMIAH W. (JAY) NIXON Attorney General



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 118-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 14, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Robin Acree (version 2) on January 24, 2008. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to:

- limit the authority of the General Assembly to issue new corporate tax credits or deductions in a fiscal year to no more than the amount currently allowed for tax or fee increases without voter approval under the Missouri Constitution; and
- require voter approval for any new corporate tax credits or deductions that exceed that amount?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 119-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 14, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Troy Stremming (version 2) on January 24, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- repeal the current individual maximum loss limit for gambling;
- prohibit any future loss limits;
- require identification to enter the gambling area only if necessary to establish that an individual is at least 21 years old;
- restrict the number of casinos to those already built or being built;
- increase the casino gambling tax from 20% to 21%;
- create a new specific education fund from gambling tax proceeds generated as a result of this measure called the "Schools First Elementary and Secondary Education Improvement Fund"; and
- require annual audits of this new fund?

Pursuant to Section 116.334, we approve the legal content and form of the proposed

The Honorable Robin Carnahan Page 2 February 22, 2008

statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 120-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 14, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Robin Acree (version 2). The fiscal note summary that you submitted is as follows:

The cost or savings of this proposal to state and local governmental entities is unknown since voter approval is required for corporate tax credits or deductions that exceed the annual limit defined in Article X, Section 18(e) of the Missouri Constitution. For fiscal year 2008, that limit is an estimated \$86 million.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 22, 2008

OPINION LETTER NO. 121-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 14, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Troy Stremming (version 2). The fiscal note summary that you submitted is as follows:

State governmental entities will receive an estimated \$105.1 to \$130.0 million annually for elementary and secondary education, and \$5.0 to \$7.0 million annually for higher education, early childhood development, veterans, and other programs. Local governmental entities receiving gambling boat tax and fee revenues will receive an estimated \$18.1 to \$19.0 million annually.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours

JEKEMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

February 25, 2008

OPINION LETTER NO. 122-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated February 15, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theodis Brown.

We conclude that the petition must be rejected for the following reasons:

- 1. The petition is not in the form prescribed by Section 116.040, RSMo 2000.
- 2. The petition neither contains, nor is it attached to, a full and correct text of a proposed statutory or constitutional measure as required under Section 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

Honorable Robin Carnahan Page 2 February 25, 2008

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



Jefferson City 65102

February 29, 2008

P.O. Box 899 (573) 751-3321

OPINION LETTER NO. 123-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This office received your letter of February 20, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Steve Hunter (version 3). The fiscal note summary that you submitted is as follows:

It is estimated this proposal will cost state governmental entities \$69,428 annually. It is estimated this proposal will have no costs or savings to local governmental entities.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

ØEREMIAH ₩. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

February 29, 2008

OPINION LETTER NO. 124-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This office received your letter of February 21, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Steve Hunter (version 3) on January 31, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- require employers to receive express written permission every year from employees prior to deducting or facilitating the deduction of moneys from any paycheck on behalf of an entity to support or oppose initiatives, referenda, other public policy issues, candidates or political parties;
- require employers to obtain from the entity statements regarding the percentage of moneys spent towards such purposes;
- fine employers and organizations up to \$10,000 per violation of these provisions; and
- give authority to the Attorney General to issue regulations regarding the form of necessary permission and statements?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 February 29, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

March 4, 2008

OPINION LETTER NO. 126-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of February 27, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Jeff Ordower. The fiscal note summary that you submitted is as follows:

It is estimated state governmental entities will receive \$123.2 million annually for the state children's health insurance program. The estimated cost to state governmental entities is \$19.6 million annually. It is estimated this proposal will have no costs or savings to local governmental entities.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEFFERSON CITY 65102

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

P.O. Box 899 (573) 751-3321

March 4, 2008

OPINION LETTER NO. 129-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of February 29, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Jeff Ordower on February 6, 2008. The proposed summary statement is as follows:

Shall Missouri law be amended to:

- restore access to Missouri's children's health insurance program by reinstating eligibility standards to those in effect on January 1, 2005;
- create the "Cover all Kids Fund" to be used exclusively to pay for the health insurance of eligible children by implementing certain corporate tax changes;
- modify the process for enrollment in the children's health insurance program; and
- allow Missouri families whose income exceeds the eligibility criteria to purchase insurance for their children through the Missouri's children's health insurance program?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 March 4, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

March 10, 2008

OPINION LETTER NO. 130-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 4, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition, submitted by Theodis Brown.

We conclude that the petition must be rejected for the following reasons:

- 1. The petition contains a ballot title other than an official ballot title prepared by the Secretary of State pursuant to the provisions of Section 116.180, RSMo 2000.
- 2. The petition does not contain "all matter which is to be deleted included in its proper place enclosed in brackets and all new matter shown underlined" as required pursuant to Section 116.050, RSMo 2000.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

Honorable Robin Carnahan Page 2 March 10, 2008

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

March 14, 2008

OPINION LETTER NO. 131-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 6, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 1).

We conclude that the petition must be rejected for the following reasons:

- 1. The petition contains a ballot title other than an official ballot title prepared by the Secretary of State pursuant to the provisions of Section 116.180, RSMo 2000.
- 2. The petition does not contain "all new matter shown underlined" as required pursuant to Section 116.050, RSMo 2000.
- 3. The enacting clause, required pursuant to Article III, Section 50 of the Missouri Constitution, is on the face of the petition, separated from the text of the measure.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

Honorable Robin Carnahan Page 2 March 14, 2008

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

March 14, 2008

OPINION LETTER NO. 132-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 6, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 2).

We conclude that the petition must be rejected for the following reasons:

- 1. The petition contains a ballot title other than an official ballot title prepared by the Secretary of State pursuant to the provisions of Section 116.180, RSMo 2000.
- 2. The petition does not contain "all new matter shown underlined" as required pursuant to Section 116.050, RSMo 2000.
- 3. The enacting clause, required pursuant to Article III, Section 50 of the Missouri Constitution, is on the face of the petition, separated from the text of the measure.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

Honorable Robin Carnahan Page 2 March 14, 2008

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON Attorney General



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

March 14, 2008

OPINION LETTER NO. 133-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 6, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 3).

We conclude that the petition must be rejected for the following reasons:

- 1. The petition contains a ballot title other than an official ballot title prepared by the Secretary of State pursuant to the provisions of Section 116.180, RSMo 2000.
- 2. The petition does not contain "all new matter shown underlined" as required pursuant to Section 116.050, RSMo 2000.
- 3. The enacting clause, required pursuant to Article III, Section 50 of the Missouri Constitution, is on the face of the petition, separated from the text of the measure.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

Honorable Robin Carnahan Page 2 March 14, 2008

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

very truly yours.

JERJEMIAH/W. (JAY) NIXON



JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

March 10, 2008

OPINION LETTER NO. 134-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article V, Sections 25(a), 25(d) and 25(e) of the Missouri Constitution (version 3) submitted by Jonathan Bunch.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JEREMIAH W. (JAY) NIXON



March 21, 2008

Jefferson City 65102

P.O. Box 899 (573) 751-3321

OPINION LETTER NO. 136-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated March 13, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 4).

We conclude that the petition must be rejected because the measure does not contain an enacting clause in the form required under Article III, Section 50 of the Missouri Constitution.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

March 21, 2008

OPINION LETTER NO. 137-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 13, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 5).

We conclude that the petition must be rejected because the measure does not contain an enacting clause in the form required under Article III, Section 50 of the Missouri Constitution.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



Jefferson City 65102

P.O. Box 899 (573) 751-3321

March 21, 2008

OPINION LETTER NO. 138-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated March 13, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 6).

We conclude that the petition must be rejected because the measure does not contain an enacting clause in the form required under Article III, Section 50 of the Missouri Constitution.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NTXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

March 28, 2008

OPINION LETTER NO. 140-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 20, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article III, Section 38(e) of the Missouri Constitution (version 7) submitted by Todd Jones.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

ÍEREMIÁH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

March 28, 2008

OPINION LETTER NO. 141-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 20, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article III, Sections 38(d) and 38(e) of the Missouri Constitution (version 8) submitted by Todd Jones.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

March 28, 2008

OPINION LETTER NO. 142-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 20, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article III, Sections 38(d) and 38(e) of the Missouri Constitution (version 9) submitted by Todd Jones.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

March 28, 2008

OPINION LETTER NO. 143-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 20, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 10).

We conclude that the petition must be rejected because new matter to be enacted is not underlined as required by Section 116.050, RSMo.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (578) 751-8321

March 28, 2008

OPINION LETTER NO. 144-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 20, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 11).

We conclude that the petition must be rejected because new matter to be enacted is not underlined as required by Section 116.050, RSMo.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

March 28, 2008

OPINION LETTER NO. 145-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated March 20, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones (version 12).

We conclude that the petition must be rejected because new matter to be enacted is not underlined as required by Section 116.050, RSMo.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

March 28, 2008

OPINION LETTER NO. 146-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of March 21, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Jonathan Bunch on March 7, 2008. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to repeal certain provisions relating to the nonpartisan selection of judges by:

- removing all current members of the nonpartisan judicial selection commissions and giving sole authority to the Governor to appoint new members subject to Senate consent;
- increasing the number of judicial nominees submitted by the commissions from three to five and allowing the Governor to veto the first list of nominees;
- transferring from the Missouri Supreme Court to the Governor's appointed commissions the authority to establish rules governing commission actions; and
- making certain information regarding judicial nominees and the selection process publicly available?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 March 28, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours

JEREMIAH/W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

April 7, 2008

OPINION LETTER NO. 147-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of March 28, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Jonathan Bunch. The fiscal note summary that you submitted is as follows:

It is estimated this proposal will have no costs or savings to state or local governmental entities.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W/(JAY) NIXON



Jefferson City 65102

P.O. Box 899 (573) 751-3321

April 18, 2008

OPINION LETTER NO. 150-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This office received your letter of April 9, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Todd Jones (version 7). The fiscal note summary that you submitted is as follows:

For fiscal year 2008, the state authorized \$13.5 million in spending from the Life Sciences Research Trust Fund to increase life science research capacity. This proposal requires the first \$200 million from the fund, annually, be spent on healthcare for low-income Missourians. The total costs or savings to state and local governmental entities are unknown.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAŁ W. (JAY) NIXON



Jefferson City 65102

April 18, 2008

P.O. Box 899 (573) 751-3321

OPINION LETTER NO. 151-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

TEREMIAH W. GIAY) NIXON

ATTORNEY GENERAL

This office received your letter of April 9, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Todd Jones (version 8). The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities if state funds for certain research activities are eliminated, reduced, denied, or withheld. However, the total costs to state and local governmental entities are unknown.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JĘKEMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

April 18, 2008

OPINION LETTER NO. 152-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of April 9, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Todd Jones (version 9). The fiscal note summary that you submitted is as follows:

This proposal could have a significant negative fiscal impact on state and local governmental entities due to the repeal of certain research activities currently authorized by the Missouri Stem Cell Research and Cures Initiative in the Missouri Constitution. However, the total costs to state and local governmental entities are unknown.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

JEREMIAH W. (JAY) NIXON

Attorney General

Very traily yours.



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

April 18, 2008

OPINION LETTER NO. 153-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of April 10, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Todd Jones, (version 7) on March 19, 2008. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to reduce the amount of money available by 200 million dollars to improve the quality of life sciences research in Missouri and redirect this money solely to pay for certain primary healthcare for low-income Missourians?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAT W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

April 18, 2008

OPINION LETTER NO. 154-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This office received your letter of April 10, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Todd Jones, (version 8) on March 19, 2008. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to repeal current provisions approved by voters in 2006 which guaranteed Missouri patients access to stem cell therapies and cures and permitted researchers to conduct stem cell research in accordance with federal law by:

- allowing the Missouri legislature or state officials to eliminate, reduce or deny access to state funds for institutions involved in stem cell research, therapies and cures; and
- allowing the Missouri legislature or state officials to ban or limit the access of Missourians to stem cell research, therapies and cures?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 April 18, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



Jefferson City 65102

P.O. Box 899 (573) 751-3321

April 18, 2008

OPINION LETTER NO. 155-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This office received your letter of April 10, 2008, submitting a proposed summary statement prepared under Section 116.334, RSMo, for the petition submitted by Todd Jones, (version 9) on March 19, 2008. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to repeal the "Missouri Stem Cell Research and Cures Initiative" approved by voters in November 2006 which banned human cloning and guaranteed Missouri patients access to stem cell therapies and cures and permitted Missouri researchers to conduct stem cell research in accordance with federal law?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

JEREMIAH W. (JAY) NIXON

Attorney General

Very truly yours.



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

May 30, 2008

OPINION LETTER NO. 160-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

You have submitted a proposed fair ballot language statement for the initiative petition relating to casinos and gambling. The fair ballot language statement, prepared pursuant to Section 116.025, RSMo, is as follows:

A "yes" vote will amend Missouri law to:

- repeal the current individual maximum loss limit for gambling;
- prohibit any future loss limits;
- require identification to enter the gambling area only if necessary to establish that an individual is at least 21 years old;
- restrict the number of casinos to those already built or being built;
- increase the casino gambling tax from 20% to 21%;
- create a new specific education fund from gambling tax proceeds generated as a result of this measure called the "Schools First Elementary and Secondary Education Improvement Fund"; and
- require annual audits of this new fund.

A "no" vote will maintain the current individual maximum loss limit of five hundred dollars for each gambling excursion. The casino gambling tax will not be increased nor will the "Schools First Elementary and Secondary Education Improvement Fund" be created. Also, the number of new casinos that may be built in Missouri will not be restricted.

If passed, this measure will increase the casino gambling tax.

Pursuant to Section 116.025, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the initiative petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAHAW. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

May 30, 2008

OPINION LETTER NO. 161-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

You have submitted a proposed fair ballot language statement for the initiative petition to amend Article VI, Section 21 of the Missouri Constitution relating to eminent domain. The fair ballot language statement, prepared pursuant to Section 116.025, RSMo, is as follows:

A "yes" vote will amend the Missouri Constitution to limit the authority of the General Assembly and certain cities or counties from passing laws that allow the use of eminent domain. These limits will specifically prohibit the use of eminent domain to acquire property for private development or rehabilitation based on such property being determined to be blighted, substandard or unsanitary.

This measure also allows such local governments to require owners of property found to be a public nuisance to abate or clean up the nuisance. If the property owner fails to do so in a reasonable time, it allows the local government to pay for the abatement and impose a lien to recover the cost. Honorable Robin Carnahan Page 2

A "no" vote will not change the ability of the General Assembly and certain cities or counties to pass laws regarding the use of eminent domain.

This measure will not have an impact on taxes.

Pursuant to Section 116.025, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the initiative petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours.

ZEREMIAJA/W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

May 30, 2008

OPINION LETTER NO. 162-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

You have submitted a proposed fair ballot language statement for the initiative petition relating to renewable energy. The fair ballot language statement, prepared pursuant to Section 116.025, RSMo, is as follows:

A "yes" vote will amend Missouri law to require investor-owned electric utilities to generate or purchase electricity from renewable energy sources such as solar, wind, biomass (including ethanol) and hydropower. The required renewable energy sources must equal the following percentages of retail sales:

- 2% by 2011
- 5% by 2014
- 10% by 2018
- 15% by 2021.

Of the total renewable energy sources required to be sold, at least 2% shall be solar sources. Also, any rate increase to consumers resulting from this measure must be no more than 1%.

Honorable Robin Carnahan Page 2

A "no" vote will not require Missouri's investor-owned electric utilities to generate or purchase electricity from renewable energy sources.

This measure will not have an impact on taxes.

Pursuant to Section 116.025, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the initiative petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

May 30, 2008

OPINION LETTER NO. 163-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

You have submitted a proposed fair ballot language statement for the initiative petition to amend Article I, Sections 26 and 28 of the Missouri Constitution relating to eminent domain. The fair ballot language statement, prepared pursuant to Section 116.025, RSMo, is as follows:

A "yes" vote will amend the Missouri Constitution to restrict the use of eminent domain by requiring that government entities only take private property for a necessary public use, with certain exceptions for utilities. Any time eminent domain is used, landowners will receive just compensation for their property. The intended public use must be declared when the property is acquired by the government entity. Also, the original landowners will be able to repurchase the property if it is not used for the declared public purpose within five years or if the property is offered for sale within 20 years.

A "no" vote will not change the use of eminent domain.

This measure will have no an impact on taxes.

Honorable Robin Carnahan Page 2

Pursuant to Section 116.025, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the initiative petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



Jefferson City 65102

P.O. Box 899 (573) 751-8321

May 30, 2008

OPINION LETTER NO. 164-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

You have submitted a proposed fair ballot language statement for the initiative petition relating to home care. The fair ballot language statement, prepared pursuant to Section 116.025, RSMo, is as follows:

A "yes" vote will amend Missouri law to enable the elderly and Missourians with disabilities to continue living independently in their homes by creating the Missouri Quality Homecare Council. If formed, this Council will ensure the availability of quality home care services under the Medicaid program by recruiting, training, and stabilizing the home care workforce.

A "no" vote means the Missouri Quality Homecare Council will not be created.

This measure will no have an impact on taxes.

Pursuant to Section 116.025, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the

Honorable Robin Carnahan Page 2

initiative petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON



JEFFERSON CITY JEREMIAH W. (JAY) NIXON 65102

P.O. Box 899 (573) 751-3321

June 24, 2008

OPINION LETTER NO. 165-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

ATTORNEY GENERAL

This office received your letter of June 17, 2008, submitting a proposed summary statement prepared under Section 116.160, RSMo, for Senate Joint Resolution No. 45 relating to storm water control assistance. The proposed summary statement is as follows:

> Shall the Missouri Constitution be amended to change provisions relating to the financing of stormwater control projects by:

- limiting availability of grants and loans to public water and sewer districts only;
- removing the cap on available funding and existing restrictions on disbursements;
- requiring loan repayments to be used only for stormwater control projects?

Pursuant to Section 116.160, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 June 24, 2008

take with respect to such review should be construed as an endorsement of the joint resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

JEREMIAH W. (JAY) NIXON Attorney General



JEFFERSON CITY JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL G5102

P.O. Box 899 (573) 751-3321

June 24, 2008

OPINION LETTER NO. 166-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

You have submitted a proposed fair ballot language statement for Senate Joint Resolution No. 45 relating to storm water control assistance. The fair ballot language statement, prepared pursuant to Section 116.025, RSMo, is as follows:

A "yes" vote will amend the Missouri Constitution to change the provisions relating to the financing of stormwater control projects. Currently, the Missouri Constitution allows the legislature to issue bonds or other types of debt so that grants and loans may be provided to municipalities and water and sewer districts in certain counties and cities for stormwater control.

This amendment will limit funding to only public water and sewer districts. It removes the current limitation on the amount of funds that can be made available for these projects and removes the restrictions on the method of disbursing these funds. It further provides that loan repayment funds shall be deposited into a specific fund to be used for stormwater control projects.

Honorable Robin Carnahan Page 2 June 24, 2008

> A "no" vote will not change the provisions relating to the financing of stormwater control projects.

If passed, this measure will not have an impact on taxes.

Pursuant to Section 116.025, we approve the legal content and form of the proposed fair ballot language statement.

Because our review of the fair ballot language statement is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the joint resolution, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours.

JEREMIAH W. (JAY) NIXON Attorney General



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

July 9, 2008

OPINION LETTER NO. 168-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This office received your letter of July 3, 2008, submitting a fiscal note summary prepared under Section 116.175, RSMo, for Senate Joint Resolution No. 45. The fiscal note summary that you submitted is as follows:

It is estimated the cost to state governmental entities is \$0 to \$236,000 annually. It is estimated state governmental entities will save approximately \$7,500 for each bond issuance. It is estimated local governmental entities participating in this program may experience savings, however the amount is unknown.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the joint resolution or as the expression of any view regarding the objectives of its proponents.

Very truly yours.

FEREMIAH W. (JAY) NIXON



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

November 14, 2008

OPINION LETTER NO. 178-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street P.O. Box 1767 Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 6, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article I.

We conclude that the petition should be rejected for the following reasons:

- While the text of the measure brackets the matter to be deleted as required by Section 116.050, RSMo 2000, the text also strikes through the matter to be deleted, which is not specifically authorized by Section 116.050 and decreases the legibility of the matter to be deleted.
- The petition includes a separate section, not explicitly authorized by law, labeled "Petition footnote" and containing text from a constitutional article other than Article I. The purpose of the inclusion of the material is not explained.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

The Honorable Robin Ca han Page 2

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Verŷ truly yours,

KAREN KING MITCHELL



. JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

November 14, 2008

OPINION LETTER NO. 179-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street P.O. Box 1767 Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 6, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article VI.

We conclude that the petition should be rejected for the following reason:

• While the text of the measure brackets the matter to be deleted as required by Section 116.050, RSMo 2000, the text also strikes through the matter to be deleted, which is not specifically authorized by Section 116.050 and decreases the legibility of the matter to be deleted.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

KAREN KING MITCHELI



Jefferson City 65102

P.O. Box 899 (573) 751-3321

November 14, 2008

OPINION LETTER NO. 180-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated November 6, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article I, Section 34 of the Missouri Constitution submitted by Tim Asher and the Missouri Civil Rights Initiative.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

KAREN KING MITCHELL



JEFFERSON CITY 65102

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL P.O. Box 899 (573) 751-3321

December 5, 2008

OPINION LETTER NO. 183-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated November 25, 2008, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Tim Asher on November 5, 2008, relating to amending Article I, Section 34 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to:

- ban affirmative action programs designed to eliminate discrimination against, and improve opportunities for, women and minorities in public contracting, employment and education; and
- allow preferential treatment based on race, sex, color, ethnicity, or national origin to meet federal program funds eligibility standards as well as preferential treatment for bona fide qualifications based on sex?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we

Honorable Robin Carnahan Page 2 December 5, 2008

take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

KAREN KING MITCHELL



JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

December 5, 2008

OPINION LETTER NO. 184-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of November 26, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Tim Asher and the Missouri Civil Rights Initiative. The fiscal note summary that you submitted is as follows:

The total cost or savings to state and local governmental entities is unknown. Most state governmental entities estimate no costs or savings, however, costs or savings related to future contracts are unknown. Some local governments estimate no costs or savings, but prohibition of certain municipal policies may result in unknown costs.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

KAREN KING MITCHELI



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

December 11, 2008

OPINION LETTER NO. 185-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 1, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article I (version 1).

We conclude that the petition should be rejected for the following reasons:

- While the text of the measure brackets the matter to be deleted as required by Section 116.050, RSMo 2000, the text also strikes through the matter to be deleted, which is not specifically authorized by Section 116.050 and decreases the legibility of the matter to be deleted.
- The petition includes a separate section labeled "Petition footnote," an introduction, and text from a constitutional article other than Article I. The material is not explicitly authorized by law, and could cause confusion.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

The Honorable Robin Carnahan Page 2 December 11, 2008

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

KARENKING MITCHELL



JEFFERSON CITY 65102

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL P.O. Box 899 (573) 751-3321

December 11, 2008

OPINION LETTER NO. 186-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 1, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article I (version 2).

We conclude that the petition should be rejected for the following reason:

• The petition includes a separate section labeled "Petition footnote," an introduction, and text from a constitutional article other than Article I. The material is not explicitly authorized by law, and could cause confusion.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very-truly yours,

KAREN KING MITCHELL



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

December 11, 2008

OPINION LETTER NO. 187-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 1, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article VI (version 1).

We conclude that the petition should be rejected for the following reason:

• While the text of the measure brackets the matter to be deleted as required by Section 116.050, RSMo 2000, the text also strikes through the matter to be deleted, which is not specifically authorized by Section 116.050 and decreases the legibility of the matter to be deleted.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very taly yours,

KAREN KING MITCHELL



JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

December 11, 2008

OPINION LETTER NO. 188-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated December 1, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article VI (version 2) of the Missouri Constitution submitted by Ron Calzone.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

KAREN KING MITCHELI



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

December 12, 2008

OPINION LETTER NO. 189-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 2, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article IV, Section 17 of the Missouri Constitution submitted by Ed Martin.

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

KARENKING MHICHELL



JEFFERSON CITY 65102

P.O.Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

December 19, 2008

OPINION LETTER NO. 192-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 9, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Todd Jones, regarding a proposed constitutional amendment related to Article III.

We conclude that the petition should be rejected for the following reasons:

- The petition does not state that "the proposed amendment is the addition of a new section to the Constitution, to read as follows," or words to that effect.
- The petition contains the text: "Stem cell research--title of law--permissible research--violations, penalty--report required, when--prohibited acts-definitions." That text is the existing preface to Mo. Const. art. III, section 38(d). The inclusion of the text here is not authorized by law and could cause confusion.

Because of our rejection of the form of the petition for the reasons stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to

The Honorable Robin Carnahan Page 2 December 19, 2008

Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

KAREN KINGMITCHELL



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

December 24, 2008

OPINION LETTER NO. 193-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 17, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article I of the Missouri Constitution submitted by Ron Calzone (proponent's version 3a).

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

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JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

December 24, 2008

OPINION LETTER NO. 194-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated December 17, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article I of the Missouri Constitution submitted by Ron Calzone (proponent's version 3b).

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

KAREN KING MITCHELY
Deputy Attorney General



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

December 24, 2008

OPINION LETTER NO. 195-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 17, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article I (proponent's version 3c).

We conclude that the petition should be rejected for the following reason:

• The petition includes a separate section labeled "Petition footnote," an introduction, and text from a constitutional article other than Article I. The material is not explicitly authorized by law, and could cause confusion.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

KAREN KING MITCHELL



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

December 24, 2008

OPINION LETTER NO. 196-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

JEREMIAH W. (JAY) NIXON

ATTORNEY GENERAL

This opinion letter responds to your request dated December 17, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article I of the Missouri Constitution submitted by Ron Calzone (proponent's version 3d).

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O. Box 899 (573) 751-3321

December 24, 2008

OPINION LETTER NO. 197-2008

The Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65102

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 17, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition submitted by Ron Calzone, regarding a proposed constitutional amendment related to Article I (proponent's version 3e).

We conclude that the petition should be rejected for the following reason:

• The petition includes a separate section labeled "Petition footnote," an introduction, and text from a constitutional article other than Article I. The material is not explicitly authorized by law, and could cause confusion.

Because of our rejection of the form of the petition for the reason stated above, we have not reviewed the petition to determine if additional deficiencies exist. Pursuant to Section 116.332.3, RSMo, the Secretary of State is authorized to review this opinion and "make a final decision as to the approval or rejection of the form of the petition."

Very truly yours,

KAREN KING MITCHELL Deputy Attorney General



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

December 29, 2008

OPINION LETTER NO. 198-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

JEREMIAH W. GJAY) NIXON

ATTORNEY GENERAL

This office received your letter of December 19, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Ron Calzone. The fiscal note summary that you submitted is as follows:

The total cost or savings to state or local governmental entities is unknown. Most state governmental entities estimate no costs, however, some state governmental entities may have unknown or indirect costs. Estimated costs, if any, to local governmental entities will vary, but could be significant.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very truly yours,

KAREN KING MITCHELL
Deputy Attorney General



JEFFERSON CITY 65102

P.O. Box 899 (573) 751-3321

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

December 31, 2008

OPINION LETTER NO. 199-2008

Honorable Susan Montee Missouri State Auditor State Capitol, Room 121 Jefferson City, MO 65101

Dear Auditor Montee:

This office received your letter of December 22, 2008, submitting a fiscal note and fiscal note summary prepared under Section 116.175, RSMo, for an initiative petition submitted by Ed Martin. The fiscal note summary that you submitted is as follows:

It is estimated this proposal will have no costs or savings to state or local governmental entities.

Under Section 116.175, we approve the legal content and form of the fiscal note summary. Because our review of the fiscal note summary is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or as the expression of any view regarding the objectives of its proponents.

Very thuly your

KAREN KING MITCHEI



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

JEFFERSON CITY 65102

P.O. Box 899 (578) 751-8321

December 31, 2008

OPINION LETTER NO. 200-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 23, 2008, for our review under Section 116.332, RSMo, of the sufficiency as to form of an initiative petition amending Article III of the Missouri Constitution submitted by Todd Jones (version 2).

We approve the petition as to form, but Section 116.332 gives the Secretary of State final authority to approve or reject the petition. Therefore, our approval of the form of the petition does not preclude you from rejecting the petition.

Because our review of the petition is simply for the purpose of determining sufficiency as to form, the fact that we do not reject the petition is not to be construed as a determination that the petition is sufficient as to substance. Likewise, because our review is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition or of the objectives of its proponents, or the expression of any view respecting the adequacy or inadequacy of the petition generally.

Very truly yours,

KAREN KING MITCHELL



JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL

Jefferson City 65102

P.O.Box 899 (573) 751-3321

December 31, 2008

OPINION LETTER NO. 201-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 24, 2008, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition (version 2) submitted by Ron Calzone on November 26, 2008, relating to amending Article VI, Section 21 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to change the power of the General Assembly and constitutionally chartered cities or counties to:

- Prohibit the use of eminent domain to acquire and resell property found to be blighted, substandard or unsanitary for the purpose of clearance, redevelopment or rehabilitation; and
- Allow them to require owners of property found to be a
 public nuisance to abate or clean up the nuisance and, if
 the property owner fails to do so in a reasonable time,
 allow the local government to pay for the abatement and
 impose a lien to recover the cost?

Honorable Robin Carnahan Page 2 December 31 2008

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

KAREN KING MITCHELL



JEFFERSON CITY 65102

JEREMIAH W. (JAY) NIXON ATTORNEY GENERAL P.O. Box 899 (573) 751-3321

December 31, 2008

OPINION LETTER NO. 202-2008

Honorable Robin Carnahan Missouri Secretary of State James C. Kirkpatrick State Information Center 600 West Main Street Jefferson City, MO 65101

Dear Secretary Carnahan:

This opinion letter responds to your request dated December 24, 2008, for our review under Section 116.334, RSMo, of a proposed summary statement prepared for the petition submitted by Ed Martin on December 1, 2008, relating to amending Article IV, Section 17 of the Missouri Constitution. The proposed summary statement is as follows:

Shall the Missouri Constitution be amended to limit the number of terms a person may serve as lieutenant governor, secretary of state, attorney general, or state auditor to two terms, including service of any partial terms of more than two years, but excluding terms in those offices resulting from an election prior to December 4, 2008?

Pursuant to Section 116.334, we approve the legal content and form of the proposed statement. Because our review of the statement is mandated by statute, no action that we take with respect to such review should be construed as an endorsement of the petition, nor as the expression of any view regarding the objectives of its proponents.

Very truly yours,

KAREN KING MITCHELL